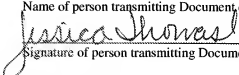## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Appeal Brief
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November 23, 2009
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Re:

Application of:	Osman Ahmed
Serial No.:	10/668,949
Filed:	September 23, 2003
For:	System and Method for Developing and Processing Building System Control Solutions
Group Art Unit:	2168
Confirmation No.:	3299
Examiner:	Pham, Hung Q.
Our Docket No.:	2003P14526US (1867-0008)

REPLY BRIEF

This is a Reply Brief filed in response to the Examiner's Answer mailed

September 23, 2009.

I.   Reply

   A. SECTION 112 ISSUE

   1. In the Answer, the Examiner notes discrepancies between Applicants' citation to the specification and the specification in the record. Applicants note that since February 22, 2007, citations have been made to the specification, but the Examiner has never indicated a discrepancy between the citations made by Applicants and the specification before the Examiner. If Applicants had been made aware of this issue then they would have known of the discrepancy and corrected their citations. Unfortunately, Applicants did not know until the Examiner's Answer. Therefore, Applicants provide the following cross-reference for specification citations in the Summary of Claimed Subject Matter and Argument sections of Applicants' brief to the specification in the image file wrapper that is available through PAIR and to the published application 2004/0143810.

Appeal Brief Citation	Specification of Record	Published Application Paragraph Number
p. 9, l. 10 to p. 10, l. 10	p. 10, l. 12 to p. 11, l. 15	[0025]
p. 19, l. 1-19	p. 21, l. 9 to p. 22, l. 4	[0059]-[0060]
p. 23, l. 1-13	p. 25, l. 19 to p. 26, l. 10	[0065]
p. 33, l. 7-20	p. 37, l. 3-18	[0080]
p. 20, l. 15 to p. 22, l. 20	p. 23, l. 4 to p. 25, l. 15	[0061]-[0063]
p. 7, l. 21-23	p. 8, l. 20-24	[0021]
p. 8, l. 13-19	p. 9, l. 15 to p. 10, l. 2	[0023]
p. 20, l. 23 to p. 21, l. 9	p. 23, l. 13-23	[0061]-[0062]
p. 8, l. 1-22	p. 9, l. 1 to p. 10, l. 2	[0022]-[0023]
p. 21, l. 10 to p. 22, l. 10	p. 24, l. 1 to p. 25, l. 4	[0063]
p. 9, l. 1-9	p. 10, l. 3-11	[0024]

p. 22, l. 11 to p. 23, l. 13	p. 25, l. 5 to p. 26, l. 10	[0064]-[0065]
p. 25, l. 22 to p. 29, l. 19	p. 29, l. 3 to p. 33, l. 8	[0069]-[0073]
p. 20, l. 19 to p. 21, l. 9	p. 23, l. 8-23	[0062]
p. 8, l. 1-7	p. 9, l. 1-8	[0022]
p. 9, l. 10-19	p. 10, l. 13-22	[0025]
p. 13, l. 10-22	p. 15, l. 5-16	[0031]-[0032]
p. 21, l. 10-12	p. 24, l. 1-3	[0063]
p. 22, l. 21 to p. 23, l. 9	p. 25, l. 16 to p. 26, l. 5	[0065]
p. 9, l. 19-22	p. 10, l. 22 to p. 11, l. 2	[0025]
p. 13, l. 15 to p. 14, l. 7	p. 15, l. 7 to p. 16, l. 2	[0032]
p. 23, l. 9-12	p. 26, l. 5-8	[0065]
p. 22, l. 4-10	p. 24, l. 19 to p. 25, l. 4	[0063]
p. 21, l. 17-20	p. 24, l. 9-12	[0063]
p. 22, l. 21-23	p. 25, l. 18-19	[0065]
p. 19, l. 5-10	p. 21, l. 13-18	[0059]
p. 20, l. 15-17	p. 23, l. 4-6	[0062]
p. 20, l. 23, to p. 21, l. 9	p. 23, l. 13-23	[0062]
p. 23, l. 5-9	p. 26, l. 1-5	[0065]

2. In the Answer, the Examiner states "one of ordinary skill in the art would not understand the Specification as describing the data provider 20 that can receives (sic) computer statements for implementing the control logic of the application definition from converter 58 and the received computer statements includes (sic) instructions conforming

to a common database access method as asserted by the appellant." *Answer*, p. 20, last paragraph. Applicants begin by noting that the language of claim 15 does not comport with the understanding identified in the quote from the Examiner's Answer Brief. Thus, the Examiner is requiring support in the specification for limitations not in the claims. Such reasoning cannot validly support a section 112 ground of rejection.

The contested portion of claim 15 requires:

> converting application definition data into computer statements that implement control logic of the application definition data;
> converting database instructions conforming to a common database access method in the computer statements to database queries conforming to a database application programming interface (API) coupled to the database to enable the instructions conforming to the common database access method to access the database

The first limitation is clearly supported by the specification at p. 23, l. 13-19. This portion explains that the application definition data is converted into computer statements to implement the control logic of the application definition data. The second limitation requires the conversion of database instructions that conform to a common database access method in the computer statements to database queries conforming to a database API. FIG. 1B shows the system design converter 58 being bi-directionally coupled to tool interface 60 and external program module interface 62 and the description in the specification at p. 23, l. 4 to p. 26, l. 5 explains this structure. As set forth at the top of page 24 in the specification, these interfaces convert statements that are in a common tool or external program interface. *Specification*, p. 24, l. 1-3. In the generation of the computer statements that implement an application solution for a building system, data from the two interfaces are used to enable a system engineer to develop an application solution without needing to know how to program in the control language of the building

system or how to manipulate the computer tools. *Specification*, p. 24, l. 19 to p. 25, l. 2.

A database management system is one computer tool identified by this section.

Specification, p. 24, l. 9-11. A portion of the common tool interface (*Specification*, p. 25,

l. 18-19) converts the common database access method instructions to database queries

that conform to a particular API. *Specification*, p. 26, l. 1-5. Thus, support is provided in

the specification for the conversion of common database access method instructions in

computer statements generated from the application definition data to database queries

for the version of the computer statements that implement an application solution.

Finally, Applicants and the Examiner disagree as to whether the Examiner has

met his duty to compare the scope of the claim with the scope of the description in the

specification. In this regard, Applicants contend that the bald assertion that "nowhere in

the Specification indicates (sic) database instructions conforming to a common database

access method is in the computer statements" (*Answer*, p. 3, last line to p. 4, l. 2) is

inadequate to meet the Examiner's obligations to support the section 112 ground of

rejection. The Examiner's *in haec verba* requirement is inappropriate and should be

reversed.

B. NEW EVIDENCE

The Examiner cites dictionary definitions and a Wikipedia article for support for

the first time in the Answer. The two dictionary definitions are given in an effort to

broaden words in the claims so the teachings of the Woolard reference fit the claim

limitations. While Applicants disagree with this late attempt to rationalize the reading of

Woolard, Applicants think the more compelling deficiency of the Woolard reference is

the absence of database instructions conforming to a common database access method being converted to database queries conforming to a database API. Consequently, Woolard can neither anticipate nor provide an adequate foundation for a section 103 ground of rejection. Similarly, the Examiner's efforts to transform the central server of Woolard into a web portal through the rationalization based on the Wikipedia article does not refute the core of the argument, namely, Woolard does not disclose a web portal through which Web-based components couple computer statements that implement control logic of application definition data to another application over the Internet.
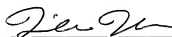

II.   CONCLUSION

        For all of the foregoing reasons, as well as those set forth in the Appeal Brief, claims 1-28 are not unpatentable. As a consequence, the Board of Appeals is respectfully requested to reverse the rejection of these claims.

                                         Respectfully submitted,

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November 23, 2009

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